

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69230 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- BANKA District- Banka

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BARUN YADAV S/O AMBIKA YADAV @ KAMIK YADAV R/O
VILLAGE- KUNAUNI, P.S. AND DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 379 and 411 of the Indian Penal Code; Section 4(1), 21 and 56 of the M.M.D.R. Act, 1957; and Section 11 and 41 of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Act.

3. The allegation against the petitioner along with others is of involving in illegal mining of sand and its storage.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner has



neither any concern with the alleged storage of sand nor he is concerned with illegal mining of sand. There is no specific overt act against the petitioner. He is languishing in judicial custody since 29.04.2023.

5. The application for bail is opposed by learned APP for the State.

6. The petitioner is ready to deposit Rs. 50,000/- (Fifty thousand) in the account of concerned District Mining Office within a period of two months after releasing from custody.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 240 of 2022.

8. This application stands disposed of, with a direction to the trial Court to confirm the **provisional bail** granted to the petitioner only after ensuring that the petitioner has deposited



the aforesaid amount i.e. Rs. 50,000/-(Fifty thousand) within a period of two months in the account of concerned District Mining Office.

(Sunil Kumar Panwar, J)

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